

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

THE UNITED STATES OF AMERICA

CR.NO: 19CR00154-1(GAG)

vs.

JOSE GONZALEZ-CIRINO

MOTION REQUESTING MODIFICATION OF CONDITIONS OF RELEASE

TO THE HONORABLE GUSTAVO A. GELPI
UNITED STATES DISTRICT JUDGE
FOR THE DISTRICT OF PUERTO RICO

COMES NOW, Norman J. Rosario-Soto, U.S. Probation Officer of this Honorable Court, who respectfully informs that:

On March 25, 2019, the Honorable Bruce McGiverin, U.S. Magistrate-Judge, ordered the defendant's release on an \$10,000 unsecured bond, with home detention/location monitoring and pretrial supervision, among other bail conditions.

During the supervision period, U.S. Probation Officers are responsible for recommending appropriate conditions of release until final disposition of a defendant's case. All recommendations are to conform with the "least restrictive" standard in view of each defendant's current circumstances. Since his release on bond Mr. Gonzalez-Cirino's circumstances are as follows:

Mr. González-Cirino is a U.S. citizen, lifetime resident of our district who does not own a passport and has never traveled outside of our district. He has no felony or misdemeanor convictions and has maintained a law-abiding lifestyle since his release as evidenced by quarterly police record checks. Furthermore, no adverse collateral information has been received during

community contacts. Mr. González-Cirino has also refrained from the use of controlled substances as evidenced by all negative drug tests and is gainfully employed.

Evidence based practices reveals that lower-risk defendants released with alternatives to detention conditions that are more stringent than necessary are more likely to experience pretrial failure, including but not limited to technical violations when compared to defendants released without these conditions.

The United States Probation Office uses an actuarial risk assessment tool approved by the Administrative Office of the United States Courts, the Federal Pre-Trial Risk Assessment (PTRA), in which the individual's likelihood of failure to appear, commission of a new crime and probability of a technical revocation are calculated. Mr. González' PTRA Score is 2 which means that he is considered low risk in terms of probability of non-compliance with the Court imposed conditions. From 2015 to the present, the District of Puerto Rico has had a bail revocation rate of less than four percent for failure to appear or re-arrest violations on cases that were assessed as low risk when using the PTRA actuarial tool. (Score between 1 and 3).

Mr. González-Cirino has been compliant with the Location Monitoring program restrictions for almost a year. It is our assessment that the Location Monitoring conditions are no longer warranted.

WHEREFORE, in the continued interest of tailoring strategies to successfully facilitate the desired outcomes of supervision by fashioning the least restrictive conditions of release to reasonably assure public safety and the defendant's future court appearances as required, we respectfully request that both conditions **7(q)** - submit to location monitoring and condition **7(p)(ii)** home detention be deleted.

In San Juan, Puerto Rico, this 9th day of March 2020.

Respectfully submitted,

LUIS O. ENCARNACIÓN, Chief
U.S. Probation Officer

s/ Norman J. Rosario-Soto

Norman J. Rosario-Soto

U.S. Probation Officer

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that today 9th day of March 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following to the parties.